Thus, the rejection of claims 1 and 14-15 under 35 U.S.C. § 102(e) as being anticipated by Vermeer, as well as the rejection of claims 1-4 and 12 under 35 U.S.C. § 102(e) as being anticipated by Nakamura et al. and the rejection of claims 5-10 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al., are respectfully traversed.

Initially, in setting forth these rejections (in items 2, 3 and 5), the Examiner refers to "the previous Office action dated 8-04-01." However, the previous Office Action was dated June 5, 2001. Clarification is requested.

In responding to Applicants' arguments, the Examiner states that regarding the change from "comprising" to --consisting essentially of--, Applicants have not indicated what ingredient would be excluded from the claimed product (composition). In response to this, Applicants note that the phrase "consisting essentially of" is intended to exclude from the claimed composition any component which would have a substantial influence on the properties of the composition, which is consistent with PTO practice with regard to the meaning of this phrase.

The Examiner also states that Applicants have argued that Vermeer and Nakamura et al. do not teach the admixing or combining of trehalose and/or hemicellulose, in response to which the Examiner states that admixing trehalose and/or hemicellulose is considered as merely reciting a process limitation, which is not given any patentable weight in the composition claim.

However, there is no process step of admixing components recited in the claims of the present application, which are directed to a powder composition consisting essentially of the recited components. The Examiner must give patentable weight to the claim limitations, which include a requirement that the composition contain both trehalose and hemicellulose. If the compositions of Vermeer and Nakamura et al. do not contain both trehalose and hemicellulose, and there is no suggestion in the references of a composition containing both of these components, then the present claims should be considered patentable over the references.

Thus, neither Vermeer nor Nakamura et al. teach or suggest a composition which contains both trehalose and hemicellulose as required by claim 1. Applicants respectfully submit that the Examiner has ignored this claim limitation on the premises that it is directed to a "process limitation",

but this is nonsensical. Claim 1 clearly requires a composition consisting essentially of components (1), (2) and (3). There is no "admixing" or "combining" step recited in claim 1. If the prior art does not disclose or suggest a composition consisting essentially of all three of the recited components, then the composition is patentable.

As Applicants have previously noted, trehalose and hemicellulose, which the Examiner indicates are mentioned in Vermeer, are only listed as raw materials for the production of glycamine or alkylglycamine, as is seen in column 13, lines 61-62, as follows:

> Examples of suitable saccharides that can be reduced to a glycamine or alkylglycamine include...,

and thus Vermeer teaches or suggests nothing about a personal product or detergent composition which includes trehalose per se and hemicellulose per se.

With regard to the Nakamura et al. reference, as indicated above the substances having a biological regulatory effect or physiological activity for mammals in claim 1 have been limited to those recited in claim 14, which do not include the "polished rice" mentioned in Nakamura et al. [It is essential in Nakamura et al. to cook polished rice with water-soluble hemicellulose.]

In conclusion, Applicants have discovered that the combined use of trehalose and water-soluble hemicellulose is essential to achieve excellent storage stability of the presently claimed powder composition. If either one of these two components is lacking, it is impossible to obtain a powder composition which has excellent storage stability. In order to demonstrate this fact, Applicants submit herewith a Rule 132 Declaration by H. Suzuki, one of the present inventors.

There is absolutely no disclosure in either Vermeer or Nakamura et al. which would suggest this criticality of the combined use of trehalose and water-soluble hemicellulose, to one of ordinary skill in the art.

Thus, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Takayuki WATANABE et al.

By: _____
Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/aeh
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) A powder composition consisting essentially of (1) at least one component selected from the group consisting of perfumes, coloring agents and substances having a biological regulatory effect or physiological activity for mammals, (2) trehalose and (3) water-soluble hemicellulose, wherein the substances having a biological regulatory effect or physiological activity for mammals are selected from the group consisting of docosahexaenoic acid (DHA), eicosa-pentaenoic acid (EPA), DHA- and/or EPA-containing fish oil, linolic acid, γ-linolenic acid, α-linolenic acid, evening primrose oil, borage oil, lecithin, octacosanol, rosemary, sage, γ-oryzanol, β-carotene, palm carotene, perilla oil, chitin, chitosan, royal jelly and propolis, oil-soluble vitamins, derivatives of oil-soluble vitamins, water-soluble vitamins and derivatives of water-soluble vitamins.

15. (Amended) The composition of claim 14 wherein the [derivatives of] oil-soluble vitamins are selected from the group consisting of vitamin A, vitamin D, vitamin E, vitamin F and vitamin K; and the [derivatives of] water-soluble vitamins are selected from the group consisting of vitamin B_1, vitamin B_2, vitamin B_6, vitamin B_{12}, vitamin C, vitamin L, vitamin P, nicotinic acid, pantothenic acid and choline.